

APR 25 2008

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

SUSAN M. HALATYN  
Senior Counsel  
phone: (212) 788-1194  
fax: (212) 788-9776  
email: shalatyn@law.nyc.gov

April 23, 2008

**BY FIRST CLASS MAIL**

Honorable Richard Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Ernest Robinson v. The City of New York, et al.*, 07-Civ-4706 (RMB)

Your Honor:

Attached please find the Stipulation and Order of Settlement and Dismissal in the above-referenced matter for your endorsement and filing.

Respectfully Submitted,

Susan M. Halatyn  
Senior Counsel

Moya O'Connor  
Jonathan Anastasia

Legal Interns  
Pursuant to Student Appearance Order

cc: Jeffrey Pollack, Esq. (Via Fax)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERNEST ROBINSON,

Plaintiff,

**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISMISSAL**

-against-

THE CITY OF NEW YORK, POLICE OFFICER  
WILLIAM ORANGE, SHIELD NUMBER 17048 AND  
POLICE OFFICER JORGE TOBON, SHIELD NUMBER  
29637,

07 Civ. 4706 (RMB)

Defendants.

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**WHEREAS**, plaintiff Ernest Robinson commenced this action by filing a complaint on or about August 14, 2007, alleging that defendants violated his constitutional rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiff has authorized his counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees except as provided for in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of **One Thousand Five Hundred (\$1,500.00) Dollars** in full satisfaction of all claims, inclusive of claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the defendants, and to release the defendants and any present or former employees or agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney fees.
3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release and An Affidavit of No Liens based on the terms of paragraph 2 above.
4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

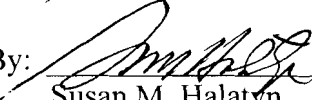
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
March 6, 2008


Jeffrey Pollack, Esq.  
Tracie Sundack & Associates, L.L.C.  
Attorney for Plaintiff  
19 Court Street, 3<sup>rd</sup> Floor  
White Plains, NY 10601

By:   
Jeffrey Pollack  
Attorney for Plaintiff

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
Attorney for Defendants City of New York,  
Police Officer William Orange, and Police  
Officer Jorge Tobon  
100 Church Street  
New York, New York 10007  
(212) 788-1194

By:   
Susan M. Halatyn  
Senior Counsel

**SO ORDERED:**

  
\_\_\_\_\_  
United States District Judge  
4/25/08